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FACSIMILE TRANSMITTAL

**TO:**

Name: Mail Stop RCE  
Group Art Unit 3738  
Examiner Bruce Edward Snow

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 09/921,844  
Gary K. Michelson  
Filed: August 3, 2001  
SPINAL IMPLANT SURFACE CONFIGURATION  
Attorney Docket No. 101.0084-01000  
Customer No. 22882  
Confirmation No.: 8295

**FROM:**

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 23

Date: April 17, 2008

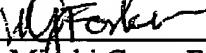
Confirmation Copy to Follow: NO

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**Message:**

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; the total amount of \$930.00 to cover the \$810.00 RCE fee and \$120.00 one (1)-month extension fee is to be charged to Deposit Account No. 50-3726), Request for Continued Examination (RCE) (in duplicate) and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on April 17, 2008.

  
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FORM PTO-1083

APR 17 2008

Attorney Docket No.: 101.0084-01000  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
 Gary K. Michelson  
 Serial No: 09/921,844  
 Filed: August 3, 2001  
 For: SPINAL IMPLANT SURFACE  
 CONFIGURATION

Confirmation No.: 8295

Group Art Unit: 3738  
Examiner: Bruce Edward Snow

Mail Stop RCE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Request for Continued Examination (RCE) and Amendment in reply to the Advisory Action dated April 14, 2008 in the above-identified application.

No additional fee is required.  
 Applicant hereby requests a one (1)-month extension of time to respond to the above office action.  
 A Terminal Disclaimer is enclosed.  
 An Information Disclosure Statement Under 37 C.F.R. § 1.97(\_\_\_\_\_) with Form PTO/SB/08 is enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SIM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	117	-	127	**	0	LG=\$50 SM=\$25	\$50
INDEPENDENT CLAIMS FEE	3	-	3	***	0	LG=\$200 SM=\$100	\$200
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180		\$ 0
						TOTAL	\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

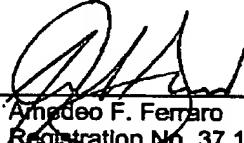
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

The total amount of \$930.00 to cover the \$810.00 RCE fee and \$120.00 one (1)-month extension fee is to be charged to Deposit Account No. 50-3726.  
 The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.  
 Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims  
 Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
 MARTIN & FERRARO, LLP

By:


Amadeo F. Ferraro  
Registration No. 37,129

Date: April 17, 2008

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Transmittal 4-17-08

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INDEPENDENT CLAIMS FEE	3	-	3	***	0	LG=\$200 SM=\$100	\$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180			\$ 0
					TOTAL			\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
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PAGE 3/23 \* RCVD AT 4/17/2008 5:38:28 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-6/19 \* DNIS:2738300 \* CSID:3102862795 \* DURATION (mm:ss):08-04